

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL WHITTAKER,

Plaintiff,

Case No. 07-11501

v.

Honorable John Corbett O'Meara

BORGWARNER, INC.,

Defendant.

ORDER OF PARTIAL DISMISSAL

Plaintiff Michael Whittaker filed a six-count complaint in this court March 9, 2006, alleging the following causes of action: Count I, violation of the Americans with Disabilities Act; Count II, violation of Michigan's Persons with Disabilities Civil Rights Act; Count III, a claim for retaliation under the Americans with Disabilities Act; Count IV, a claim for retaliation under Michigan's Persons with Disabilities Civil Rights Act; Count V, a common law claim for invasion of privacy; and Count VI, a common law claim for "disclosure of embarrassing private facts." Complaint at 9.

While alleged violations of federal law are cognizable in this court pursuant to 28 U.S.C. § 1333, Counts II, IV, V, and VI are based solely on state law. Since the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over these claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, it is hereby **ORDERED** that Counts II, IV, V, and VI are **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Dated: July 11, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, July 11, 2007, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager